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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,914	06/14/2001	Robert J. Kamper	AUS920010322US1	8355

7590 11/18/2003

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EXAMINER

MISKA, VIT W

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,914

Applicant(s)

KAMPER ET AL.

Examiner

Vit W. Miska

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3,5-7,10,16,18,20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shishido.

With respect to claim 1, the reference discloses a method for synchronization of a timing device comprising the steps of obtaining geographic position data at step 214 (Fig. 5 and col. 3, line 45) from GPS device 16 associated with the timing device, calculating the current local time at step 222 and synchronizing the timing device with the current local time at step 222,224. Regarding claim 2, the timing device includes a clock as shown in Fig. 3. Claim 3 is met with the description at col. 3 lines 55ff of the adjustment of time on the timing device with the calculated current local time.

With respect to claim 5-7, the flowchart in Fig. 5 shows at 214-216 the steps for determining whether a time adjustment has occurred for time zone changes and at 230, 232 changes for daylight savings time and adjusting the time to match the adjustment at steps 220-224.

With respect to claim 13, device 16 transmits geographic positional data to timing device 12-20 (step 220), transmits time on the timing device at step 224, receives the current local time at step 222 and adjusts the time to the current local time at step 224

Article claims 16 and 18 correspond to claims 1 and 5, respectively, and are anticipated for the same reasons because the means recited correspond to the structure associated with the program steps of Fig. 5. Claims 20 and 22 are a computer program product corresponding to claims 16 and 18 and are met in the reference with the software instructions depicted in Fig. 5.

2. Claims 13, 19 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Tognazzini. The reference discloses a method, apparatus and computer program product for receiving time synchronization of a timing device including the steps of transmitting geographic position data from GPS device 210, transmitting time on the timing device with transmitter 240, receiving the current local time for the location of the device with means 200, 220, and adjusting the time on the timing device with clock 230 to match the current local time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shishido in view of Allgaier et al. The specific method for adjusting the time in the primary reference is not discussed. However, Allgaier et al suggests correction of time held in timekeeping circuit 26 by comparing the same with an externally received time signal in register 7 with comparator 10 and adjusting the time accordingly. It would therefore be obvious to one skilled in the art having both references that time correction in Shishido et al may be performed by comparing the calculated time with the stored time and correcting the timing device, as done in Allgaier et al, to synchronize the timing device only when correction is needed.

4. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shishido. The reference does not detail the manner of the daylight savings adjustments, but indicates that at steps 230-232 the system determines if the location is included in the daylight savings correction and adjusts the time accordingly. Therefore, one skilled

in the art would recognize that the start and end of DST would be programmed into the device for proper functioning thereof, as implied in the description.

5. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shishido in view of Korpi et al. The Korpi patent teaches the calculation of current time 32 and user modified time 34 and display of the same in a timekeeping system. One skilled in the art having both references would thus have a suggestion to provide an additional time calculation in Shishido to provide the user with the time information for two localities, as done in Korpi et al.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Read et al in view of Hayes et al. The reference discloses an apparatus with bus system 80, 82, 16, communications unit 24, storage unit 26, time synchronization unit 18 and processing unit connected to the bus system, the processing unit instructs the time synchronization unit to adjust the time to match then current local time for the location of the device.

The reference does not disclose details of the manner of adjusting the time to the current location of the device, other than noting at col. 8 lines 49ff that "the GPS time... can be adjusted according to the geographical location on the earth of the GPS receiver 76." However, one of ordinary skill in the art would be familiar with the manner of using GPS position data to adjust the time in a time measuring device. Hayes et al

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discloses such a system, with GPS device 17 providing position data to the system for use to calculate the local time in clock 24, 27 and for synchronizing the timing device. One of ordinary skill in the art having both references would thus have a suggestion for calculating the local time in Read et al in this manner, i.e. by instructing communications unit 24 to obtain the geographical position data from GPS receiver 76 and calculating the local time as the GPS time shown in Fig. 1. This would be an obvious implementation of the suggested synchronization to local time in Read et al by using the disclosed GPS signals in the manner shown by Hayes et al.

7. Claim 15 is objected to because of the following informalities: the claim lacks antecedent basis for "the timing device" in line 10. Appropriate correction is required.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 703-308-3096. The examiner can normally be reached on M-F 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 703-308-3121. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

VM
11/13/2003

A handwritten signature in black ink, appearing to read 'Vit Miska', is written above the printed name.

Vit Miska
Primary Examiner